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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 02.02.2026*

+ **BAIL APPLN. 5013/2025**

KOMAL KUMAR

.....Petitioner

Through: Mr. N. Hariharan, Sr. Adv. with Mr. Siddharth Yadav, Mr. Rahul Sambher, Mr. Ayush Kr. Singh, Ms. Kashish Ahuja, Ms. Rekha Punya Angara, Mr. Arjan Mandla, Mr. Aman Akhtar, Ms. Sana singh, Ms. Vasundhra N and Ms. Vasundhra Raj Tyagi, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION .....Respondent

Through: Ms. Rajni Gupta, SPP for CBI with Mr. Shivender Gupta, Adv.

**CORAM:**

**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**

**JUDGMENT**

**DR. SWARANA KANTA SHARMA, J. (Oral)**

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. RC221/2025/E0006 registered at Police Station EO-III, Delhi, for the commission of offence punishable under Section 61(2)/308/318(4)/319(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter 'BNS') and Section 66C/66D/66 read with Section 43 of the Information Technology



Act, 2000 (hereinafter 'IT Act').

2. The brief facts of the present case are that a regular case was registered on the basis of reliable source information indicating that a group of individuals based in India, primarily operating from Delhi, and certain other locations, was running a sophisticated cyber-enabled fraud scheme targeting victims in Japan. The perpetrators were involved in technical support scams, wherein fake virus alerts and phishing prompts were displayed on the computer screens of unsuspecting users. These pop-ups, hosted on malicious URLs that largely used Microsoft Azure servers, were designed to create panic by falsely warning users that their systems were infected with viruses. The victims were then instructed to contact a specified phone number displayed on the screen. Upon establishing contact, the operatives, while impersonating representatives of reputed entities such as Microsoft or Apple, induced the victims to install remote access software. By doing so, the accused persons gained unauthorized control over the victims' computers and access to sensitive financial information, which was subsequently used to defraud them. Four such Japanese victims specified in the FIR were Sakai Takaharu, Koji Suzuki, Masashi Matsui, and Shinagawa Ku.

3. Pursuant to the registration of the FIR, searches were conducted at various locations. On 28.05.2025, co-accused Rohit Maurya, who was involved in creating fraudulent pop-ups, and co-accused Kapil Gakhar, who had received Bitcoin from the Binance account of the Japanese victim Sakai Takaharu, were arrested. On



29.05.2025, co-accused Shubham Jaiswal, Vivek Raj, and Adarsh Kumar, who were working as fraud callers/technical salespersons at a call centre operating under the name "*Tekku Samurai*" in Varanasi, were arrested. At the time of their arrest, they were found allegedly in possession of several incriminating devices.

4. During the investigation, the co-accused Shubham Jaiswal, Vivek Raj, and Adarsh Kumar disclosed that they were working in a call center named *Tekku Samurai* at Varanasi, and they led the CBI to the location of the call centre where it was operating. Further, when the search of the premises of the said call centre was carried out, mobile phones and computer systems were recovered containing fake identity cards impersonating Microsoft employees, images of Japanese victims sharing their confidential banking details, information relating to gift cards, logs of applications used for cheating Japanese victims, and other incriminating digital material. The investigation further revealed that Komal Kumar (the present applicant/accused), along with one Amit Singh Bhaduria, is the joint owner/partner of the said call centre. The applicant was arrested on 20.07.2025, whereas the other partner, Amit Singh Bhaduria, is still absconding, and the supplementary charge sheet against the applicant/accused and the partnership firm was filed on 17.09.2025.

5. The learned senior counsel appearing for the present accused /applicant argues that the applicant is a law-abiding citizen with clean antecedents and has been falsely implicated in the present case, having no nexus whatsoever with the alleged acts of cheating the



Japanese nationals. It is argued that the offences alleged against the applicant carry a maximum punishment of seven years, yet the mandatory procedure was grossly violated as no notice under Section 41A of the Cr.P.C. (now Section 35 of the BNSS, 2023) was issued to the applicant, and he was mechanically arrested on 20.07.2025. Further, the prosecution's assertion that the applicant was evading arrest is wholly incorrect, and the fact of his arrest at the airport is being misleadingly portrayed as an attempt to flee the country, despite the applicant/accused having no knowledge of any pending investigation at the relevant time. It is further argued that even as per the prosecution's own case, the applicant had no role in the perpetration of the alleged offences against the victims in Japan and has merely been roped in on the ground of being the owner of the call centre where the co-accused were allegedly working, without there being any material to show that the acts of the co-accused were committed at his instance or with his knowledge. The learned senior counsel further submits that the alleged transfer of Rs. 14.7 crores to the account of the call centre from M/s Bidder Media is an independent commercial transaction having no connection with the alleged fraud against Japanese nationals. It is further argued that other co-accused persons have already been granted bail, entitling the applicant/accused to parity. Further, it has to be considered that the chargesheet has already been filed, the evidence is predominantly documentary and digital in nature, and therefore, there is no possibility of tampering with evidence. Charges are yet to be framed, and the trial is likely to take a considerable time to conclude. The



applicant has remained in custody since 20.07.2025. Therefore, it is prayed that the applicant be enlarged on regular bail.

6. On the other hand, the learned SPP for the CBI argues that the applicant is the main accused, who is involved in a well-organised cybercrime syndicate, wherein the victims are citizens of Japan. It is contended that the co-accused persons, namely Shubham Jaiswal, Vivek Raj, and Adash Kumar, who were actively participating in the commission of the fraud, were working at the call centre operating under the name "*Tekku Samurai*", of which the applicant/accused is a partner holding 50% shares. It is further argued that during the course of the investigation, it was revealed that an amount of about ₹14.7 crores was transferred from a company named "*Bidder Media*" into the bank accounts of *Tekku Samurai*. The said bank account of *Tekku Samurai* is registered in the name of Harjeet Kaur, wife of the present applicant/accused, who has categorically stated that the said bank account was operated exclusively by the applicant/accused. It is stated that the prosecution strongly suspects that *Bidder Media* is a shell company and was used as a conduit by the applicant/accused to route the cheated money into India. This suspicion is fortified by the fact that during the investigation, no work orders, minutes of meetings, appraisal records, proof of work, delivery reports, or any formal correspondence or documentation indicating legitimate business dealings between *Tekku Samurai* and *Bidder Media* were found. It is further submitted that during the interrogation and search proceedings, various electronic devices were seized from the call



centre, which were found to contain screenshots of gift cards, bank account details of victims, and forged identity cards of employees impersonating themselves as representatives of Microsoft. It is also alleged that the applicant/accused deliberately destroyed his mobile phones, which constituted crucial and material evidence in the present case. The learned SPP further points out that the other partner, Amit Singh Bhadaria, is still absconding. It is apprehended that if the present applicant/accused is released on bail, there is a strong likelihood that he may influence or intimidate the employees of *Tekku Samurai*, owing to his position of authority and control over them, and thus, hamper the investigation. In view of the aforesaid facts and circumstances, it is prayed that the present bail application be dismissed.

7. This Court has **heard** arguments addressed by the learned senior counsel for the applicant and the learned SPP for CBI, and has perused the material on record.

8. In the present case, it is noted that during the investigation, the co-accused persons, namely Shubham Jaiswal, Vivek Raj, and Adarsh Kumar, had led the CBI team to a call centre known as *Tekku Samurai*, situated in Varanasi. The present accused/applicant is a partner in the said call centre, along with one Amit Singh Bhadaria who is also named as an accused and is presently absconding.

9. It is pertinent to note that SSDs seized from the call centre revealed the use of the "Zoiper" application for contacting victims through VoIP services. Call logs recovered from the seized devices



contained lists of Japanese telephone numbers, clearly indicating systematic targeting of victims based in Japan. The investigation further revealed that the agents operating from the call centre used to impersonate representatives of reputed technology companies, such as Microsoft, and forged identity cards in this regard, which were recovered from the seized digital devices.

10. The investigation also disclosed that the employees of the call centre followed a predetermined pitch, whereby the victims were falsely informed of non-existent technical issues in their devices and were induced to install antivirus software or purchase multi-year service packages at quoted prices. The same pitching scripts and quotations were recovered from the seized devices, corroborating the modus operandi. Additionally, screenshots containing confidential banking details of the victims were found stored on the devices seized by the police. It was further revealed that gift cards were used as a mode of payment, and screenshots of gift cards along with their redeemable codes, sufficient to procure money, were also recovered from the devices seized from the call centre.

11. It is of relevance that *Tekku Samurai* was a partnership firm comprising the applicant/accused and Amit Singh Bhadoria, each holding an equal share of 50%. Documents collected from Alphathum, Noida, the owner of the premises from where the call centre was operating, including the rent agreement, registration deed, and KYC forms, confirmed the role of the applicant/accused as a partner in the firm. This position is further corroborated by records



obtained from Etherea Ventures Pvt. Ltd., which disclose that *Tekku Samurai* made a payment of ₹15 lakhs from its ICICI Bank account on 07.12.2024 towards the final settlement of rent dues.

12. Furthermore, the bank account, i.e., 15\*\*\*\*\*19 of *Tekku Samurai*, registered in the firm's name, was registered under mobile number 72\*\*\*\*\*29, which is in the name of Harjeet Kaur, the wife of the applicant herein. It is to be noted that she admitted that the present applicant used to use the bank account.

13. Further, it is pertinent to note that the statement reflected in the bank statements of *Tekku Samurai* contains entries such as 'ProfShare2324', 'ProfShareDec24', and 'ProfShareOct23', pursuant to which amounts were transferred from the account of *Tekku Samurai* to the personal bank account of the applicant herein. The said narrations *prima facie* indicate that the transfers were made towards the applicant's share of profits, which shows that the applicant was not merely associated with, but was an active partner in the operations of *Tekku Samurai*.

14. Further, this Court also notes that an amount of Rs. 14.7 crores (approximately) was transferred from the company *Bidder Media* to *Tekku Samurai* during the period from May 2023 to May 2025. However, it is material to note that investigation has revealed that *Bidder Media* was registered on 06.08.2018, and its registration expired on 05.11.2022. Despite the expiry of its registration, substantial funds were transferred to the account of *Tekku Samurai* after the said period, which also raises suspicion regarding the



legitimacy of these transactions.

15. As regards the plea of parity, the same is clearly unmerited in this Court's view, inasmuch as the other co-accused persons were merely employees – working under the control and supervision of the present applicant. The material on record *prima facie* indicates that the said employees were carrying out the fraudulent activities at the instance and on the instructions of the applicant, who is one of the owners of the call centre in question. In these circumstances, the role attributed to the applicant is clearly distinguishable and far more serious, and therefore, no ground of parity arises for enlarging the applicant on bail.

16. It is also noted that the learned SPP appearing for the CBI has informed the Court that a request has been sent to the concerned authorities in Japan seeking information and statements of the victims. However, the names of the victims have already been mentioned in the charge-sheet.

17. Considering the overall facts and circumstances of the present case, particularly the fact that the other partner of *Tekku Samurai* is still absconding, and further noting that the applicant, if released on bail, would be in a position of authority over the co-accused and other employees, this Court is of the view that there is a likelihood of the applicant influencing them and interfering with the course of investigation. Accordingly, this Court is not inclined to grant regular bail to the applicant/accused.

18. The present bail application is, accordingly, dismissed.



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19. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

20. The order be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**FEBRUARY 02, 2026/A**

*RB/GJ*